THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2645 OF 2007

DATED: 13-02-2007

Between:

Ch. Nooka Raju

.. Petitioner

and

The A.P.S.R.T.C. represented by its Regional Manager, Visakhapatnam Region, Visakhapatnam District and another

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2645 OF 2007

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not considering the representation of the petitioner dated 20.07.2006 seeking regularization of his services in A.P. State Road Transport Corporation (for short 'APSRTC'), as arbitrary and illegal; and consequently to direct the respondents to regularize the services of the petitioner with all consequential benefits.

It appears, the petitioner joined in the service of APSRTC as Cleaner under Washing Mechanic on contract basis in Paderu Depot, as early as in the year 1994, and worked without any remark whatsoever for a period of more than one year. Thus, he had put in more than 240 days of service. While so, the 2nd respondent retrenched the petitioner from service, without following the provisions of the Industrial Disputes Act (for short 'the Act') and without following the due process of law. Therefore, the petitioner raised a dispute in I.D.No.107 of 1996 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam. The Tribunal passed an award dated 28.01.1999, directing the Corporation to reinstate the petitioner into service with backwages and continuity of service. Aggrieved by the said award, the 2nd respondent filed W.P.No.18392 of 1999 and sought for interim stay of the award. This Court granted interim stay in respect of

payment of backwages and directed the Corporation to reinstate the petitioner into service. Accordingly, the petitioner was reinstated into service as Contract Sweeper, vide proceedings dated 24.10.1999 of the 2nd respondent, on monthly wages of Rs.1,352/-. While so, ultimately, the said writ petition was dismissed by this Court on 17.03.2005 confirming the award passed by the Tribunal. On that, the 2nd respondent carried the matter further in Writ Appeal being W.A.No.969 of 2005. The Division Bench of this Court dismissed the said writ appeal on 08.06.2005. According to the petitioner, he is entitled for regularization of his services and, therefore, seeking regularization of his services in the said cadre on par with others. Further he made a representation on 20.07.2006 to the respondents, but the same is not yet considered by the respondents.

In view of the above, without expressing any opinion on the merits, the respondents are directed to consider the representation purported to have been filed by the petitioner on 20.07.2006 and pass appropriate orders as per law, within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

C.V. RAMULU, J

13th February, 2007.
IBL